



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3844, **Version:** 1

Subject:

National Opioid Settlement - County Approval and Authorization to Sign Endo Health Solutions, Inc. and Endo Pharmaceuticals, Inc., Settlement Agreement and similar future Settlement Agreements Under Florida's Opioid Settlement Plan

Fiscal Impact:

The estimated Endo settlement for Brevard County is \$196,933.84 and \$853,335.82 towards the regional fund

There is the potential for future Opioid Litigation Settlement Funds for Opioid Abatement in Brevard County in accordance with BoCC direction on October 26, 2021.

Dept/Office:

Housing and Human Services

Requested Action:

It is requested that the Board of County Commissioners:

- (1) accept the attached settlement between the State of Florida and Endo Health Solutions, Inc and Endo Pharmaceuticals, Inc. (hereinafter Endo) and authorize the Housing and Human Services Director to execute all settlement documentation and to take all other necessary action required by this settlement upon approval of Outside Counsel, the County Attorney's Office, Risk Management and the County Manager;
- (2) authorize the Housing and Human Services Department Director to accept, on behalf of the County, all future settlements between the State of Florida and various Defendants in the opioid litigation and to execute all required documentation and take all other actions necessary to ensure the successful distribution of settlement funds to Brevard County upon approval of Outside Counsel, the County Attorney's Office, Risk Management and the County Manager, and
- (3) authorize the County Manager to execute necessary budget change requests relating to all Opioid Settlement funds received by Brevard County.

Summary Explanation and Background:

On May 18, 2021, the Board of County Commissioners (BoCC) authorized Resolution 21-071, which committed the County to participating in the State of Florida's Memorandum of Understanding regarding the use and distribution of opioid settlement funds (the Florida Plan). The State of Florida has agreed to multiple opioid settlements. These Settlements require the subdivisions in the State of Florida to take affirmative steps to participate in the Settlements with manufacturers and distributors.

On October 26, 2021 the BoCC gave authorization for the Director of the Housing and Human Services

Department to act as the signatory for two specific settlement agreements. On January 18, 2022, Outside Counsel informed staff that the State of Florida has negotiated a settlement with Endo, and that Outside Counsel recommended the County sign the settlement documents. The allocations from this settlement will flow through the Florida Plan and be subject to the same terms and conditions. This settlement includes an immediate cessation of litigation activity against Endo, a release of all claims the County has asserted or could assert against Endo, a voluntary dismissal with prejudice of any and all released claims, and a requirement that settlement funds flow through the State's Florida Plan for specific opioid remediation efforts.

Further, Outside Counsel has advised that it is possible that additional settlement agreements may be forthcoming as the State continues to settle the litigation with various defendants. These settlement agreements are anticipated to follow the same general framework discussed above. This agenda item would allow staff to accept and execute the additional settlements upon the Outside Counsel, County Attorney's Office and Risk Management approval

Attached is the executed settlement agreement between the State of Florida and Endo, as well as the draft Subdivision Settlement Participation Form for Endo Health Solutions, Inc. and Endo Pharmaceuticals, Inc., which was received on January 18, 2022.

Clerk to the Board Instructions:

Copy of the Clerk's Memorandum to CAO and Housing & Human Services